FIRST ANNUAL REPORT

of the

CONFLICT OF INTEREST COMMISSIONER

January 31, 2001

101-04607/

Prince Edward Island

Legislative Assembly

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January 31, 2001

Hon. Mildred A. Dover
Speaker
Legislative Assembly
P.O. Box 2000
Charlottetown, PEI
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Dear Madam Speaker:

It is my honour and duty to submit to you the Annual Report of the Office of the Conflict of Interest Commissioner for the period December 10, 1999 to December 31, 2000.

This Report is submitted pursuant to section 3(1) of the *Conflict of Interest Act*, R.S.P.E.I. 1988, Cap. C-17.1.

Yours truly,

A. Neil Robinson
Commissioner

ANNUAL REPORT

1999 - 2000

By Proclamation of the Lieutenant Governor in Council the *Conflict of Interest Act* R.S.P.E.I. 1988, Cap. C-17.1, came into force on November 1, 1999. The purpose of the *Act* is to insure that the public duty of a Member of the Legislative Assembly is not compromised by that Member's private interests thereby creating a conflict of interest. A conflict of interest is created when a public official has a private or personal interest sufficient to appear to influence the objective exercise of the official's public duty. The *Act* establishes the principle that all Members are expected to perform their public duties and arrange their private affairs in a manner that avoids conflicts of interest thereby promoting public confidence in the integrity of the Legislative Assembly.

On December 10, 1999, by unanimous Resolution of the 60th General Assembly of the Legislative Assembly of Prince Edward Island, I was appointed the first Conflict of Interest Commissioner. It is a great honour and privilege to have been given this opportunity to contribute to the public affairs of our province.

Section 3(1) of the *Conflict of Interest Act* provides

> "3(1) The Commissioner shall prepare an Annual Report regarding the affairs of the Office of the Commissioner to the Speaker, who shall cause the Report to be laid before the Legislative Assembly."

In this the inaugural year of the *Act*, it was immediately important to establish the forms and procedures necessary to give effect to this new legislation. During the initial weeks following my appointment, I was greatly assisted by my colleagues in other jurisdictions. The fact that all went well could not have occurred without their kind assistance.

In January 2000, as required by the *Act*, the first Private Disclosure Statements were forwarded to the sitting Members of the Legislative Assembly. These forms are designed to enable each MLA to disclose to the Commissioner a detailed financial statement of their private interests. Private meetings then occurred with each Member to review their completed Statement and to discuss any concerns that arose respecting the requirements of the *Act*. As my appointment is a part-time position it was necessary to meet with Members and their spouses after normal working hours and in some instances there were a number of meetings with lawyers and accountants to resolve particular issues involving a Member's compliance with the *Act*. This initial process was time consuming in that both the Members and myself had to become familiar with both the legislation and each other. A proper working relationship had to be established with each Member.

On March 21, 2000 a Provincial General Election was called by the Premier. As a result, all existing activity under the *Act* was suspended until a new Legislative Assembly was declared elected on May 3, 2000.

After Declaration Day, the process of distributing the Private Disclosure Statements and meeting with the Members as required under the *Act* was restarted and proceeded through the summer months.

When all issues had been discussed and where necessary corrective action had been completed, it became my duty to prepare the Public Disclosure Statements for each Member of the Legislative Assembly. The Public Disclosure Statements were prepared and forwarded to each Member for their examination prior to being filed.

On October 16, 2000, pursuant to section 24(6) of the *Act*, the Public Disclosure Statements of twenty-five Members of the Second Session of the Sixty-First General Assembly of the Province of Prince Edward Island were filed with the Clerk of the Legislative Assembly. The remaining two Members were granted extensions of time to allow for certain legal documents to be completed to comply with the *Act*. Ultimately, this documentation was provided and Public Disclosure Statements for the remaining two Members were filed with the Clerk of the Legislative Assembly on December 21, 2000, thereby completing the process for the inaugural year. These Public Disclosure Statements are available for public viewing at the office of the Clerk of the Legislative Assembly.

Based on my review of the Private Disclosure Statements provided by the Members and the personal interviews conducted, I am satisfied that all Members of the Legislative Assembly of Prince Edward Island are in compliance with the *Conflict of Interest Act*.

During this inaugural year many Members of the Legislative Assembly requested opinions or advice on matters respecting their obligations under the *Act*. These inquiries dealt with a wide range of issues reflecting the complexity of political life in our small province where elected representatives regularly face a variety of potentially compromising situations. It is the duty of the Commissioner to provide assistance and guidance. It is my firm belief that the most important function of the Commissioner is to provide advice **before** a Member acts. In this respect I am pleased to report that all Members have expressed a willingness to seek such advice and have demonstrated that willingness in requesting advice during many informal discussions.

The *Conflict of Interest Act* provides that a Member of the Legislative Assembly may request that the Commissioner give an opinion as to whether another Member has contravened the *Act* or the parliamentary conventions of Prince Edward Island. To request such an opinion, the Member must have reasonable and probable grounds supported by affidavit evidence. In addition the Legislative Assembly may by Resolution request that the Commissioner render an opinion as to whether a Member has contravened the *Act* or parliamentary convention. Also, the Executive Council may ask the Commissioner for an opinion about whether a Member of the Executive Council has violated the *Act* or parliamentary convention of Prince Edward Island. I am pleased to report that during the year 2000 no violations of the *Act* occurred.

It is my belief that the new process established under the *Act* will protect the Members of the Legislative Assembly from legal and ethical difficulties yet make them more accountable to the public. Moreover, the new process will properly and effectively address the conflicts of interest that invariably arise in a democracy. The process will protect the public interest and will

promote public confidence in the integrity of our elected officials.

In closing, I have been impressed with the cooperation displayed by our elected representatives; without exception they have followed the advice or instructions provided by this Office. In those circumstances where honest differences of opinion existed, the issues were resolved with civility and respect. Those virtues are required for the proper functioning of the *Conflict of Interest Act*. The citizens of Prince Edward Island deserve nothing less.